

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:97cr22-9

UNITED STATES OF AMERICA,)

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vs.

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IVEY WALKER.

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ORDER

THIS MATTER is before the Court on the Defendant Ivey Walker's letter, which the Court shall construe as a motion, requesting the disclosure of grand jury minutes. [Doc. 547]. For the following reasons, the motion is denied.

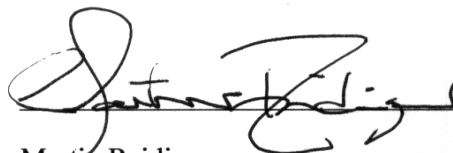
Grand jury materials may not be disclosed absent a "strong showing of particularized need." United States v. Sells Eng'g, Inc., 463 U.S. 418, 443, 103 S.Ct. 3133, 77 L.Ed.2d 743 (1983); United States v. Silva, 745 F.2d 840, 845-46 (4th Cir. 1981). A defendant is not entitled to such materials "merely to comb the record in the hope of discovering some flaw." Jones v. Superintendent, Va. State Farm, 460 F.2d 150, 152 (4th Cir. 1972).

The Defendant has not presented any valid reasons for the disclosure of the requested grand jury materials. The Fourth Circuit ruled on the Defendant's direct appeal [Doc. 514], and an amended Judgment was entered on June 1, 2009. [Doc. 532]. On August 12, 2009, the Court further granted the Defendant a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2). [Doc. 541]. Most recently, on April 20, 2010, the Court dismissed his motion to vacate pursuant to 28 U.S.C. § 2255 as untimely. [Doc. 548]. Therefore, there are no current proceedings before the Court that require these documents.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's motion for the production of grand jury minutes [Doc. 547] is hereby **DENIED**.

IT IS SO ORDERED.

Signed: April 29, 2010


Martin Reidinger
United States District Judge

